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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/808,751 12/17/91 YOCK

F EXAMINER 0.5003.4

33M1/1214

JAWORSKI, F
ART UNIT PAPER NUMBER

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14

DATE MAILED: 12/14/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

12/14/93

☐ This application has been examined ☒ Responsive to communication filed on 9-2-93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-23 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1-23 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3305

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1 - 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Northeved, of record, in view of Omizo (Japanese Patent Publication 48-30874).

The former in Figure 3 shows an amniocentesis sampling needle and syringe with internal stylet 38, piezoelement 40 and leads 42, 44 coupled respectively to a ground on the surface of the stylet rod or tube and to a receiver. Northeved further shows in Figure 1 the obviousness of using a dampening material 18 in order insulate transducer leads from each other. It would have been obvious in view of Omizo Figure 2 to utilize the two transducer leads bi-directionally in Northeved to drive the transducer and to receive echo signals in order to accurately determine sampling tip location in the body. Insofar as Northeved

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shows a clearance spacing between stylet and syringe needle and indeed such is inherently necessary for withdrawal of same, there would inherently be a flow of blood therearound if the syringe plunger were withdrawn to test syringe location. With respect to claim 10, it would have been obvious to provide a central aperture in the rear electrode of Northeved's transducer 40 in order to secure lead 44 thereto during soldering.

This action is not made final however the case should be prepared for final action. (i) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis J. Jaworski whose telephone number is (703) 308-0858.

FJJ
December 13, 1993


FRANCIS JAWORSKI
PRIMARY EXAMINER
ART UNIT 335